

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Bruce & Patricia Garbe,**  
Appellants,

**v.**

**Woodbury County Board of Review,**  
Appellee.

**ORDER**

**Docket No. 14-97-0307**  
**Parcel No. 8946-29-300-020**

On September 26, 2014, the above-captioned appeal came on for consideration before the Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellants, Bruce and Patricia Garbe, were self-represented and requested a written consideration. County Attorney Patrick Jennings is counsel for the Board of Review. County Assessor Kathy Sands submitted evidence on its behalf. The Appeal Board having reviewed the record, and being fully advised finds:

***Findings of Fact***

Bruce and Patricia Garbe are the owners of a residentially classified property located at 1498 Buchanan Avenue, Sioux City, Iowa. The property is a single-story home built in 1996 with 1848 square feet of total living area. The property has a 768 square-foot detached garage built in 1964, a 2438 square-foot steel utility building, and a 323 square-foot shed. The site is 2.37 acres. (Exhibit C).

The Garbes protested to the Board of Review regarding the 2014 assessment of \$142,170, allocated as \$28,750 in land value and \$113,420 to the improvement value. This was a change from the previous year; therefore, all grounds for appeal under section 441.37 are available. They claimed the property was assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b). They asserted the subject property's correct value was \$136,420, allocated as

\$23,000 in land value and \$113,420 in improvement value. In a written attachment to the protest, Garbe also asserted that there was a change in value since the last assessment under sections 441.37(1)(a)(2) and 441.35(2). In a re-assessment year, a challenge based on downward change in value is akin to a market value claim under section 441.37(1)(a)(1)(b). *See Dedham Co-op. Ass'n v. Carroll County Bd. of Review*, 2006 WL 1750300 (Iowa Ct. App. 2006). The Board of Review denied their claim.

The Garbes then appealed to this Board. They clarified their claim on their written appeal asserting the site value is over-assessed, but they do not contest the assessed improvement value.

Bruce Garbe explained he is an appraiser for the City of Sioux City Assessor's office and asserts that because of his position he believes he is treated differently than other taxpayers. He provides no evidence to support this assertion. It is Garbe's belief that his site value has been over-assessed since 2012.

Garbe provided a two-page, handwritten explanation of his position (Exhibit 2) along with several supporting documents. (Exhibits 2-8). We do not find it necessary to recite the information or arguments asserted by Garbe because he did not provide any sales of properties adjusted for differences or any other method of determining the market value of the total subject property, such as a cost analysis. Garbe's claim focuses on the site value. He compares the assessed value of his site to the assessed value of a number of other sites, asserting this evidence demonstrates an over-assessment of \$5750 for his site. Comparing assessments of properties is not proper appraisal methodology in determining the market value of a property or a component value of the whole, and we give it no consideration.

Woodbury County Assessor Kathy Sands explained the process used in determining assessments. (Exhibit A). She explained that for the January 1, 2014 assessment, the Assessor's Office reviewed the sales of rural residential properties in the County that occurred between January 1,

2012 and December 31, 2013, with emphasis on the 2013 sales. Additionally, vacant land sales and the land residual method of improved sales were studied to determine land values and to ensure total assessments were at fair market value, as well as equitable with similar property. (Exhibit A).

The Board of Review also submitted a “2014 Rural Residential Sales Ratio Report for the 2012-2013 Sales.” (Exhibit B). We do not find this relevant to an over-assessment claim and give it no consideration.

Lastly, Sands explained Garbe’s valuation analysis fails to consider recognized factors of each site, which affects its value, such as paved compared to gravel roads, topography of the land, ease of access to the dwelling, and the classification. (Exhibit A). Moreover, the Board of Review submitted a copy of this Board’s 2012 and 2013 decisions on the subject property. (Exhibits D and E). These orders outline the history of the property, as well as the consistency of Garbe’s assertions and failure to provide evidence to support his claims.

### ***Conclusion of Law***

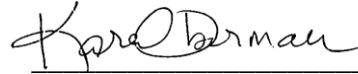
The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. §441.21(1)(b). In interpreting this provision, the Iowa Supreme Court has stated that while the sales price of a property may be evidence of its market value, the sales price *alone* is not determinative of the market value. *Riley v. Iowa City Bd. of Review*, 549 N.W.2d 289 (Iowa 1996). Rather, the subject property's sales price in a normal transaction is a matter to be considered in arriving at market value but does not *conclusively* establish the subject's market value. *Id.* at 290. If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2). The property's assessed value shall be one hundred percent of its actual value. § 441.21(1)(a).

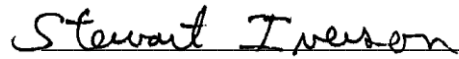
In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995). The Garbes did not provide any evidence establishing the subject property's fair market value as of January 1, 2014, and thus have failed to show their property is over-assessed.

THE APPEAL BOARD ORDERS the 2014 assessment of Bruce and Patricia Garbe's property located at 1498 Buchanan Avenue, Sioux City, Iowa of \$142,170, set by the Woodbury County Board of Review, is affirmed.

Dated this 10th day of October, 2014.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair



Jacqueline Rypma, Board Member

Copies to:

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APPELLANTS

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REPRESENTATIVE FOR APPELLEE